

ORIGINAL

CARLSMITH BALL LLP

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2549-0
6915-0

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
MAY 02 2008
at 9 o'clock and 20 min. A.M.
SUE BEITIA, CLERK

Attorneys for Plaintiff
RSI CORP., dba
RESPONSIVE SYSTEMS COMPANY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RSI CORP., dba RESPONSIVE
SYSTEMS COMPANY, a New Jersey
corporation,

Plaintiff,

vs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION; and
DOE DEFENDANTS 1-20,

Defendants.

**CASE NO. CV08 00066 JMS BMK
(Contract)**

**AFFIDAVIT OF SERVICE;
EXHIBIT 1**

**[INTERNATIONAL BUSINESS
MACHINES CORPORATION]**

AFFIDAVIT OF SERVICE

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

ORIGINAL

ROBERT D. TRIANTOS, being duly sworn under oath, deposes and states as follows:

1. I am an attorney with Carlsmith Ball LLP, attorneys for Plaintiff RSI CORP., dba RESPONSIVE SYSTEMS COMPANY in the above-captioned matter.

2. I am authorized and competent to testify to the matters herein, and unless otherwise indicated, I make this affidavit based upon personal knowledge.

3. Attached hereto as Exhibit 1 is the original Affidavit of Service of John F. Bald, a process server with APS International, Ltd., which evidences that service of the Complaint; Summons, filed on February 15, 2008, was effected on INTERNATIONAL BUSINESS MACHINES CORPORATION through an authorized agent, Louise Novak, in Armonk, New York 10504 on April 14, 2008.

4. APS International Ltd. is authorized to serve process in the location where Defendant INTERNATIONAL BUSINESS MACHINES CORPORATION was found and in the manner in which service was effected.

5. Service of the foregoing document on Defendant INTERNATIONAL BUSINESS MACHINES CORPORATION has been duly

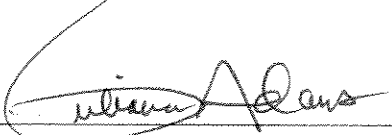
effectuated pursuant to Sections 634-24 and 634-36 of the Hawaii Revised Statutes and Rule 4 of the Hawaii Rules of Civil Procedure.

FURTHER AFFIANT SAYETH NAUGHT.



ROBERT D. TRIANTOS

Subscribed and sworn to before
me this 30th day of April, 2008.



Name: Juliana Adams
Notary Public, State of Hawaii
My commission expires: 3-16-2011

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UNITED STATES DISTRICT COURT
COUNTY OF HAWAII

APS INTERNATIONAL, LTD.

RSI CORP., ET AL.

Index No. CV08 00066JMSBMK

- against-

Plaintiff(s)

AFFIDAVIT OF SERVICE
OF:INTERNATIONAL BUSINESS MACHINES CORPORATION,
ET AL.

Defendant(s)

SUMMONS AND COMPLAINT

STATE OF NEW YORK: COUNTY OF WESTCHESTER ss:

JOHN F. BALD BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY
TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.at on 04/14/08 at 1205 Hours at 1 NEW ORCHARD ROAD ARMONK, NY 10504
Deponent served the within SUMMONS AND COMPLAINT

INTERNATIONAL BUSINESS MACHINES CORPORATION

therein named,

INDIVIDUAL

by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein.

A ☐☐ (S) He identified (her) himself as such.

CORPORATION

a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be

LOUISE NOVAK

thereof ☐

AUTHORIZED

SUITABLE

AGE PERSON

C ☐by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. ☐ (S) He identified (her) himself as of recipientAFFIXING TO
DOOR, ETC.D ☐

by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there on the dates below:

MAILING
USE WITH
C or D☐

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient at and deposited

said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	WHITE	BROWN	45	5'5	160

GLASSES

MILITARY
SERVICE☐

Person spoken to was asked whether the recipient(s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient(s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

USE IN
NYC CIVIL CT.☐

The language required by NYCRR 2800.2(e), (f) & (h) was set forth on the face of said summons (es).

Sworn to before
me on the

04/14/08

GERI L. ALBERT
Notary Public, State of New York
No. 01AL5047399
Qualified in Westchester County
Commission Expires July 31, 2009

JOHN F. BALD
LICENSE No.

EXHIBIT 1

152796